

AMENDED IN SENATE JULY 5, 2012
AMENDED IN ASSEMBLY MARCH 22, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2307

Introduced by Assembly Member Butler

February 24, 2012

An act to amend Sections ~~45101, 45113, 88001, 45298 and 88013~~
~~88117~~ of the Education Code, relating to ~~classified~~ school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2307, as amended, Butler. ~~Classified school employees. School employees: reemployment.~~

Existing law requires that persons laid off because of lack of work or lack of funds in a school district or community college district that has adopted the merit system be eligible for reemployment for a period of 39 months, as specified.

This bill would require a person who is reemployed in a new position and fails to complete the probationary period in the new position be returned to the reemployment list for the remainder of the 39-month period, as specified. The bill also would make nonsubstantive changes to these provisions.

~~Existing law requires the governing board of a school district to employ persons for positions not requiring certification qualifications and the governing board of a community college district to employ persons for positions that are not academic positions. Existing law requires the governing board of a school district and the governing board of a community college district to classify those employees and positions and requires that they be known as the classified service.~~

Existing law requires the governing board of a school district and the governing board of a community college district to prescribe written rules and regulations governing the personnel management of the classified service whereby classified employees are designated as permanent employees of the district after serving a prescribed period of probation that is prohibited from exceeding one year. Existing law defines a permanent classified employee for purposes of provisions governing the classified service.

This bill would change the definition of “permanent employee.” The bill would define a permanent employee to mean an employee who has served the prescribed period of probation and would provide that a permanent employee remains a permanent employee of the public school employer or community college district when the employee is moved to another classification. The bill would provide that if a permanent employee is placed on a reemployment list after his or her services are terminated and the employee is subsequently reemployed, the employee continues being a permanent employee of the school district or community college district. The bill also would provide that a permanent employee who passes the prescribed period of probation remains a permanent employee of the school district or community college district when the employee moves to another classification.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45298 of the Education Code is amended
2 to read:
3 45298. (a) ~~Persons~~ A person laid off because of lack of work
4 or lack of funds ~~are~~ shall be eligible ~~to~~ for reemployment for a
5 period of 39 months ~~and shall be reemployed in preference to as~~
6 follows:
7 (1) The person’s reemployment shall take preference over new
8 applicants. ~~In addition, such persons laid off have~~
9 (2) The person shall have the right to participate in promotional
10 examinations within the district during the period of 39 months.
11 (3) If the person is reemployed in a new position and fails to
12 complete the probationary period in the new position, he or she
13 shall be returned to the reemployment list for the remainder of the
14 39-month period. The remaining time period shall be calculated

1 *as the time remaining in the 39-month period as of the date of*
2 *reemployment.*

3 **Employees**

4 *(b) An employee who ~~take~~ takes a voluntary ~~demotions~~ demotion*
5 *or a voluntary ~~reductions~~ reduction in assigned time in lieu of*
6 *layoff or to remain in ~~their~~ his or her present ~~positions~~ position*
7 *rather than be reclassified or reassigned, shall be granted the same*
8 *rights as persons laid off and shall retain eligibility to be considered*
9 *for reemployment for an additional period of up to 24 ~~months~~;*
10 *months, provided; that the same tests of fitness under which ~~they~~*
11 *the employee qualified for appointment to the class ~~shall~~ still apply.*
12 *The personnel commission shall make the determination of the*
13 *specific period eligibility for reemployment on a class-by-class*
14 *basis.*

15 **Employees**

16 *(c) An employee who ~~take~~ takes a voluntary ~~demotions~~ demotion*
17 *or a voluntary ~~reductions~~ reduction in assigned time in lieu of*
18 *layoff shall be, at the option of the employee, returned to a position*
19 *in ~~their~~ his or her former class or to ~~positions~~ a position with*
20 *increased assigned time as vacancies become available, and without*
21 *limitation of time, but if there is a valid reemployment list ~~they~~*
22 *the employee shall be ranked on that list in accordance with ~~their~~*
23 *his or her proper seniority.*

24 *SEC. 2. Section 88117 of the Education Code is amended to*
25 *read:*

26 *88117. (a) ~~Persons~~ A person laid off because of lack of work*
27 *or lack of funds ~~are~~ shall be eligible ~~to~~ for reemployment for a*
28 *period of 39 months ~~and shall be reemployed in preference to~~ as*
29 *follows:*

30 *(1) The person's reemployment shall take preference over new*
31 *applicants. ~~In addition, such persons laid off have~~*

32 *(2) The person shall have the right to participate in promotional*
33 *examinations within the district during the period of 39 months.*

34 *(3) If the person is reemployed in a new position and fails to*
35 *complete the probationary period in the new position, he or she*
36 *shall be returned to the reemployment list for the remainder of the*
37 *39-month period. The remaining time period shall be calculated*
38 *as the time remaining in the 39-month period as of the date of*
39 *reemployment.*

40 **Employees**

1 (b) ~~An employee who take takes a voluntary demotions demotion~~
2 ~~or a voluntary reductions reduction~~ in assigned time in lieu of
3 ~~layoff or to remain in their his or her present positions position~~
4 rather than be reclassified or reassigned, shall be granted the same
5 rights as persons laid off and shall retain eligibility to be considered
6 for reemployment for an additional period of up to 24 months;,
7 provided; that the same tests of fitness under which ~~they the~~
8 ~~employee~~ qualified for appointment to the class ~~shall~~ still apply.
9 The personnel commission shall make the determination of the
10 specific period of eligibility for reemployment on a class-by-class
11 basis.

12 **Employees**

13 (c) ~~An employee who take takes a voluntary demotions demotion~~
14 ~~or a voluntary reductions reduction~~ in assigned time in lieu of
15 ~~layoff shall be, at the option of the employee, returned to a position~~
16 ~~in their his or her former class or to positions a position~~ with
17 increased assigned time as vacancies become available, and without
18 limitation of time, but if there is a valid reemployment list ~~they~~
19 ~~the employee~~ shall be ranked on that list in accordance with ~~their~~
20 ~~his or her~~ proper seniority.

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23 **All matter omitted in this version of the bill**
24 **appears in the bill as amended in the**
25 **Assembly, March 22, 2012. (JR11)**
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